

P.O. Box 747
Falls Church, Virginia 22040-0747
Phone: (703) 205-8000
Fax: (703) 205-8050
(703) 698-8590 (GIV)

Birch, Stewart, Kolasch & Birch, LLP

Fax

To: Examiner Mohammad Ali

From: Michael R. Cammarata

USPTO

Fax: 703 746-5652

Date: February 17, 2004

Phone: 703 605-4356

Pages: 6 (including cover sheet)

Your Ref.:

Our Ref.: 1163-0258P

Re: Appln. No. 09/424,661

CC:

☒ **Urgent** ☒ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution, or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited. If your receipt of this transmission is in error, please notify this firm immediately by collect call to (703) 205-8000, and send the original transmission to us by return mail at the address above.

Comments:

PATENT
1163-0258P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Tatsuya MITSUGI Conf.: 8311
Appl. No.: 09/424,661 Group: 2177
Filed: November 29, 1999 Examiner: ALI, Mohammad
For: OBJECT DATA RETRIEVING DEVICE, OBJECT
DATA RETRIEVING METHOD, AND COMPUTER-
READABLE RECORDING MEDIUM CONTAINING
RECORDER DATA

PROPOSED AGENDA FOR PERSONAL INTERVIEW TO BE
CONDUCTED WEDNESDAY, FEBRUARY 18, 2004 AT 2:00 PM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VIA FACSIMILE
February 17, 2004

Sir:

Examiner Mohammad Ali contacted Applicant's representative, Michael R. Cammarata, on even date herewith requesting an agenda for the personal interview to be conducted tomorrow February 18, 2004 at 2:00 pm. This personal interview is to be held between Applicant's representative, Michael R. Cammarata, Assistant Examiner Mohammad Ali and a Primary Examiner having full signatory authority.

Appl. No. 09/424,661

In general, this application has undergone a lengthy prosecution and the time has arrived for the Applicant to decide whether to appeal this case to the Board of Patent Appeals and Interferences. Before actually filing the Appeal, however, it is Applicant's desire to gain a better understanding of the Examiner's position. The main purpose of this personal interview is to gain a better understanding of the Examiner's position and otherwise determine whether an Appeal to the Board of Patent Appeals and Interferences should be filed.

Specifically, the following topics will be discussed during the personal interview mentioned above.

1. Review of present invention: from the Examiner's comments in the various Office Actions: it appears that there is a fundamental misunderstanding as to exactly what the present invention is and how the present invention is expressed in the claim language. During the first part of the interview, Applicant's representative intends to briefly explain the invention to the Examiner to ensure that his understanding is complete and accurate.

Appl. No. 09/424,661

2. **Review of applied art:** the Office Action and previous Office Actions have applied two patents namely Paik (USP 6,076,088) and DeLorme (USP 5,948,040). After reviewing the teachings of the present invention and how they are reflected in the pending claims, Applicant's representative would next like to discuss the applied art, namely the Paik and DeLorme patents. Specifically, the teachings of these patents as they may or may not apply to the pending claims will be discussed in detail. Again, it appears that there is a basic misunderstanding as to what these patents teach and Applicant wishes to better understand how the Examiner is reading these patents by discussing them during the interview.

3. **Review of Office Actions piece meal rebuttal to Applicant's arguments:** Recent Office Actions have failed to address the sum total of Applicant's arguments. Rather than provide a sound and substantive response, the Office Action parses Applicant's responses into small pieces and then provides a rebuttal as to some of these small pieces. Despite very specific and forceful arguments on this exact same point made in the Response filed May 22, 2003, the Office Action continues to repeat the same arguments. In other words, the last Office Action mailed December 2, 2003 fails to fully address many of Applicant's arguments, specifically those made in the After Final Amendment filed May 22, 2003 which gained entry via the filing of an RCE on June 25, 2003. Because the Office

Appl. No. 09/424,661

Action fails to address these arguments and because Applicant believes that these arguments lie at the center of the current dispute between the Applicant and the Patent Office, it is considered very important to discuss these arguments at length. Essentially, Applicant is left in the dark as to how the Patent Office intends to substantively rebut these arguments.

Applicant's representative believes that the following agenda should help resolve all remaining issues in this application. It is Applicant's further believe that once the issues have been discussed, the Examiners will realize that the pending claims are clearly in condition for allowance and that a formal indication thereof should be mailed as soon as possible.

Appl. No. 09/424,661

Should the Examiner have any questions or concerns, he is invited to contact Applicant's representative Michael R. Cammarata at (703) 205-8022 (Direct Dial). Otherwise, Applicant's representative looks forward to conducting this interview at the scheduled time and date.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Michael R. Cammarata, #39,491

MRC/kpc

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

(Rev. 02/12/2004)